

**Licking County Board of Developmental Disabilities**

**Administrative Policy Manual**

**Policy: Waiting Lists for Home  
and Community Medicaid  
Waivers**

**Board Approved: 8/00  
Revised: 5/02, 2/04, 3/12, 11/13,  
10/16, 9/18**

**Reviewed: 1/10**

**Section: 4.6**

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**POLICY**

It is the policy of the Licking County Board of Developmental Disabilities, hereinafter referred to as the Board, to establish and manage waiting lists when available resources are inadequate to meet the needs of all individuals who have a current need for the services. These waiting lists will be consistent with ORC 5126.042 and OAC 5123:9-04.

**DEFINITIONS**

The terms contained herein shall have the same meaning as set forth in ORC 5126.042 and OAC 5123:9-04.

**PLANNING FOR LOCALLY-FUNDED COMMUNITY BASED SERVICES**

The Board shall, in conjunction with development of its strategic plan, identify how many individuals it plans to enroll in each type of locally-funded home and community-services waiver during each calendar year, based on projected funds available to the county board to pay the nonfederal share of Medicaid expenditures and the assessed needs of the county's residence on the waiting list for home and community-based services, and establish a waiting list when resources are not available. The Board will enroll individuals on waivers as they are fiscally able.

**WAITING LIST FOR HOME AND COMMUNITY-BASED SERVICES**

- A. An individual or the individual's guardian, as applicable, who thinks the individual, has an immediate need or a current need may contact the Board to request an assessment of the individual using the waiting list tool. The Board shall initiate an assessment of the individual using the waiting list assessment tool within thirty calendar days. An individual or the individual's guardian, as applicable, shall have access to the individual's completed waiting list assessment tool maintained in the department's web-based waiting list management system and upon request, shall be provided a copy by the Board.
- B. The Board shall place an individual's name on the waiting list for home and community-based services, when based on assessment of the individual using the waiting list assessment tool, the individual:
  - a. Is eligible for board services.
  - b. Has a current need which cannot be met by community-based alternative services available in Licking County (including a situation in which an individual has a current need despite the individual's enrollment in a home and community-based services waiver).
- C. The Board shall not place an individual's name on the waiting list for home and community based waiver services when the individual:
  - a. Is a child who is subject to a determination under section 121.38 of the Revised

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- Code and requires home and community based services.
- b. Has an immediate need, in which case the Board shall take action necessary to ensure the immediate need is met. The Board shall provide the individual or the individual’s guardian, as applicable; with the option of having the individual’s needs met in an intermediate care facility for individuals with intellectual disabilities or through community based alternative services. Once an individual or individual’s guardian chooses the setting which he or she prefers to receive services, the Board shall take action to ensure the individual’s immediate need is met, including by enrollment in a home and community-based services waiver, if necessary. Such action may also include assisting the individual or the individual’s guardian, as applicable, in identifying and accessing alternative services that are available to meet the individual’s needs.
- D. When the Board places an individual’s name on the waiting list for home and community based services, the Board shall:
- a. Record, in the department’s web-based waiting list management system:
    - i. The individual’s status date.
    - ii. Notify individual or the individual’s guardian, as applicable, that the individual’s name has been placed on the list for home and community based waiver services.
    - iii. Provide contact information to individual or the individual’s guardian, as applicable, for a person at the county board who can assist in identifying and accessing alternative services that address, to the extent possible, the individual’s needs.
- E. Annually, the Board shall:
- a. Review the waiting list assessment tool and service needs of each individual whose name is included on the waiting list for home and community based services with the individual and the individual’s guardian, as applicable, and
  - b. Assist the individual or the individual’s guardian, as applicable, in identifying and accessing alternative services.
  - c. Under any circumstances, when a county board determines an individual’s status has changed with regard to having an immediate need and/or having a current need or an individual’s status date has changed, the Board shall update the individual’s record in the department’s web based waiting list management system.

**ENROLLING INDIVIDUALS IN LOCALLY-FUNDED HOME AND COMMUNITY-BASED SERVICES WAIVERS**

- A. Individuals shall be selected for enrollment in locally-funded HCBS waivers in this order:
  - a. Individuals with immediate need who require waiver funding to address the immediate need.
  - b. Individuals who have met multiple criteria for current need for twelve or more consecutive months and who were not offered enrollment in a HCBS waiver in

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- the prior calendar year. When two or more individuals meet the same number of criteria for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
- c. Individuals who have met multiple criteria for current need for less than twelve consecutive months. When two or more individuals meet the same number of criteria for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
  - d. Individuals who meet a single criterion for current need. When two or more individuals meet a single criterion for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
- B. Individuals with immediate need and individuals with current need may be enrolled in locally-funded home and community based services waivers concurrently.
  - C. Meeting the criteria for immediate need and/or current need does not guarantee enrollment in a locally-funded home and community based waiver within a specific timeframe.
  - D. When an individual is identified as next to be enrolled in a locally-funded home and community based waiver, the Board shall determine the individual's eligibility for enrollment and which type of locally-funded home and community based services waiver is sufficient to meet the individual's needs in the most cost-effective manner.

**ENROLLING INDIVIDUALS IN STATE-FUNDED HOME AND COMMUNITY-BASED SERVICES WAIVERS**

- A. DODD shall determine the order for enrolling individuals in state-funded home and community based services waivers.
- B. Meeting the criteria for immediate need and/or current need does not guarantee enrollment in a state funded home and community based services waiver within a specific timeframe.

**CHANGE IN INDIVIDUAL'S COUNTY OF RESIDENCE**

When an individual on the waiting list for home and community-based services moves from one county to another and the individual or the individual's guardian as applicable, notifies the receiving county board, the receiving county board shall within ninety calendar days of receiving notice, review the individual's waiting list assessment tool.

**REMOVAL FROM WAITING LIST FOR HOME AND COMMUNITY BASED SERVICES**

- A. The Board shall remove an individual's name from the waiting list for home and community based services:
  - a. When the Board determines that the individual no longer meets eligibility for board services;
  - b. When the Board determines the individual no longer has a current need;
  - c. Upon request of the individual or the individual's guardian, as applicable;

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- d. Upon enrollment of the individual in a home and community based services waiver that meets the individual's needs;
  - e. If the individual or the individual's guardian, as applicable, declines enrollment in a home and community based services waiver or community-based alternative services that are sufficient to meet the individual's needs;
  - f. If the individual or the individual's guardian, as applicable, fails to respond to attempts by the Board to contact the individual or the individual's guardian by at least two different methods, one of which shall be certified mail to the last known address of the individual or the individual's guardian, as applicable;
  - g. When the Board determines the individual does not have a developmental disabilities level of care in accordance with rule 5123:2-8-01 of the Administrative Code;
  - h. When the individual is no longer a resident of Ohio; or
  - i. Upon the individual's death.

### **ADVANCEMENT FROM TRANSITIONAL WAITING LIST OF INDIVIDUALS WAITING FOR HOME AND COMMUNITY BASE SERVICES TO WAITING LIST FOR HOME AND COMMUNITY BASED SERVICES**

- A. The Board is responsible to administer the waiting list assessment for all individuals placed on the transitional waiting list residing in Licking County for home and community based services before December 31, 2020. Individuals assigned a Service and Support Administrator will have the assessment completed when the individual's service plan is next scheduled for review after September 1, 2018.
- B. There are three possible outcomes of administration of the waiting list assessment tool:
  - a. The Board determines the individual has an immediate need, in which case the individual shall receive services in accordance with section 29.4(3)(b) of this policy;
  - b. The Board determines the individual has a current need, in which case the Board shall use community-based alternative services in the county to meet the individual's needs or if the individual's needs cannot be met by community-based alternative services in the county, the Board shall add the individual's name to the waiting list for home and community based services; or
  - c. The Board determines the individual has neither an immediate need nor a current need.
- C. The Board or the Ohio Department of Developmental Disabilities shall attempt to contact each individual whose name is included on the transitional list of individuals waiting for home and community based services or the individual's guardian, as applicable, by at least two different methods, one of which shall be certified mail to the last known address of the individual or the individual's guardian, as applicable. DODD shall remove an individual's name from the transitional list of individuals waiting for home and community-based services when the individual or the individual's guardian, as applicable:

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- a. Fails to respond to attempts by the Board or DODD to establish contact; or
  - b. Declines an assessment of the individual using the waiting list assessment tool.

### **DUE PROCESS**

- A. Due process is available to any individual believed to be aggrieved by an action of the Board related to:
  - 1. The approval, denial, withholding, reduction, suspension, or termination of services and/or supports paid for in part by a home and community-based Medicaid waiver; and
  - 2. The establishment or maintenance of, placement on, the failure to offer services in accordance with, or removal from any waiting list.
  - 3. A dispute regarding an individual's date of request or status date.
- B. Due process shall be provided in accordance with Chapters 5101:6-1 to 5101:6-9 of the Administrative Code when the service involved is funded in part by a home and community-based Medicaid waiver and in accordance with rule 5123:2-1-12 of the Administrative Code when the service involved is not Medicaid-funded.
- C. If an individual is aggrieved, the Board may attempt to informally resolve the matter. Access to the informal resolution process described in Section 1.4 of the Board's administrative policy titled "Complaint Resolution" will not affect the right of the individual to due process in accordance this policy.